

UNITED STATES DISTRICT COURT
 for the
WESTERN District of **TEXAS**

FILED

November 18, 2020
 CLERK, U.S. DISTRICT COURT
 WESTERN DISTRICT OF TEXAS

United States of America)
 v.)
)
 Jose Victor Calleja-Velazquez)
 aka KORY)
)
 _____)

BY: _____ cd
 DEPUTY

Case No. SA-20-MJ-1417

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 11, 2020 in the county of Bexar in the
 Western District of Texas, the defendant(s) violated:

Code Section

Offense Description

Title 18 USC 922 (g) (5) Illegal/Unlawful Alien In Possession Of a Firearm

-Up to 10 Years Imprisonment, \$250,000 Fine, 3 years Supervised Release, \$100 Mandatory Special Assessment.

This criminal complaint is based on these facts:

See attached affidavit

Continued on the attached sheet.

ERIC WATKINS

Digitally signed by ERIC WATKINS
 Date: 2020.11.18 12:45:18 -06'00'

Complainant's signature

Eric Watkins, SA/ATF

Printed name and title

Sworn to before me and signed in my presence.
 Sworn to telephonically and signed electronically.

Date: November 18, 2020 at 1:35pm

City and state: San Antonio, Texas


Judge's signature

Elizabeth S. Chestney, U.S. Magistrate Judge

Printed name and title

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Special Agent Eric Watkins, duly sworn do hereby depose and state:

1. Your affiant is a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) since October 2018. Additionally, between April 2014 and October 2018 your affiant was a sworn ATF Task Force Officer, and therefore, since April 2014, your affiant has participated in investigations concerning violations of Titles 18, 21, and 26.
2. On December 15, 2019, San Antonio Police Department officers arrested Aaron Martinez at his residence at the 4800 block of Castle Guard in San Antonio during a kidnapping investigation. Officers obtained a search warrant for the residence and located a Glock model 19, 9mm pistol, SN- BCWS685. Agents later determined that this kidnapping incident was related to an alien smuggling stash residence operated by Martinez.
3. During the investigation into the alien smuggling organization associated with the above arrest, agents identified Jose Victor CALLEJA-Velazquez aka Kory as a senior member of the organization who specialized in maintaining, possessing, and distributing firearms for the organization. On March 24, 2020, agents obtained a federal search warrant for CALLEJA's Facebook account, which returned data on May 11, 2020. Agents established the Facebook belonged to CALLEJA through a known telephone number listed in the Facebook records, which agents know belonged to CALLEJA, and by viewing numerous "selfie" photographs of CALLEJA in the account. Additionally, agents observed a Facebook Messenger chat on April 19, 2019 where CALLEJA-Velazquez sent a Facebook friend his complete name, Jose Victor CALLEJA-Velazquez.
4. While searching CALLEJA's Facebook account, agents found numerous photographs and text message corroborating information regarding CALLEJA as a possessor and distributor of firearms. Particularly, on December 10, 2019, CALLEJA sent a photograph of the Glock model 19, 9mm pistol, SN- BCWS685 to a Facebook friend five days before SAPD officers seized the firearm from Aaron Martinez. Your affiant confirmed the flooring in the background of the photograph matched the flooring in CALLEJA's apartment at the 100 block of Camino De Oro in San Antonio, Texas. Your affiant also confirmed that CALLEJA lived in that apartment complex up until December 27, 2019, as stated by CALLEJA on an apartment application.
5. Your affiant also discovered a Facebook Messenger communication thread between CALLEJA and a known associate of the organization, co-conspirator #1 (CC#1). During this chat, that initiated on February 6, 2020 and continued up until February 11, 2020, CC #1 orchestrated the sale and delivery of an AR-15 variant rifle to CALLEJA. On February 6, 2020, CC#1 forwarded two pictures of an AR-15 variant rifle to CALLEJA; one photo captured the rifle being held by a male subject and the second photo of the rifle laying on

a bed with two high capacity magazines. Both photos clearly captured the rifle with a distinct fore grip and red dot scope affixed. CALLEJA asked for a video of the rifle being shot, but CC#1 explained that the rifle was broken and offered to give the rifle to CALLEJA as he could “get more out of it.”

6. On February 10, 2020, CC#1 sent CALLEJA a video of the same rifle with the fore grip and red dot scope and a high-capacity magazine inserted in the rifle. The person holding the rifle is captured on the video charging the firearm and depressing the trigger causing the hammer to fall. A click sound is audible on the video clip.
7. Eventually, CALLEJA offered to buy the rifle for \$350 dollars. On February 11, 2020, CC#1 forwarded a picture of what appeared to be the same rifle inside a vehicle. CC#1 asked CALLEJA for directions to his location so they could complete the transaction. CALLEJA sent CC#1 a pin drop capturing his approximate location at or near 4855-4887 Cornerway Boulevard, in San Antonio, Texas.
8. Later that day, CALLEJA sent CC#1 a photograph of the rifle within the original communication thread. The rifle was consistent in appearance to the rifle CC#1 negotiated to sell to CALLEJA, with the same fore grip and red dot scope visible. The picture captured the rifle’s lower receiver separated from the upper receiver exposing the inner mechanical pieces of the rifle. The lower receiver is stamped with what appears to be a Spike’s Tactical emblem with a manufacture state listed as Florida. A partial serial number of “78579” was also visible in the picture. CALLEJA complained to CC#1 about the broken charging handle inside the rifle. Agents have not seized the Spike’s Tactical model ST15 rifle but corroborated CALLEJA’s purchase of the rifle through an interview of CC#1, who admitted that he sold the rifle to CALLEJA.
9. Your affiant confirmed the lineage of the rifle through the partial serial number captured in the picture posted by CALLEJA. Spike’s Tactical confirmed that the lower receiver is a Spike’s Tactical, model ST15, multi-caliber receiver, SN-SAR78579, which was manufactured or distributed by Spike’s Tactical. Your affiant spoke with the first purchaser of the Spike’s Tactical model ST15 multi-caliber receiver, who resides in Louisville, Kentucky. This individual confirmed he joined the Spike’s Tactical receiver to a complete upper, thus making a rifle, and later lost the Spike’s Tactical model ST15 rifle years later to a forfeited pawn in Kentucky. Thus, the Spike’s Tactical model ST15 multi-caliber rifle, SN-SAR78579 is a firearm not manufactured in the State of Texas; therefore, traveling in interstate commerce.
10. An ATF Interstate Nexus examination revealed that the Glock model 19, 9mm pistol, SN-BCWS685 was not manufactured in the State of Texas, and therefore traveled in interstate and/or foreign commerce.
11. Jose Victor CALLEJA-Velazquez is a citizen and national of Mexico. Agents from Homeland Security Investigations confirmed that CALLEJA is not a United States Citizen, and is unlawfully present in the United States.

Based on the above facts, your affiant believes there is probable cause that Jose Victor CALLEJA-Velazquez is an illegal alien who possessed a firearm in violation of 18 U.S.C. §922(g)(5).

ERIC
WATKINS

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Date: 2020.11.18 12:45:41
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Special Agent Eric A. Watkins
Bureau of Alcohol, Tobacco, Firearms &
Explosives

SUBSCRIBED AND SWORN TO ME THIS 18TH DAY OF NOVEMBER 2020


HONORABLE ELIZABETH S. CHESTNEY
UNITED STATES MAGISTRATE JUDGE